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June 23, 2022

Via ECF

Hon. Lewis J. Liman, U.S.D.J.
U.S. District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: *Empire State Bus Corp. et al. v. Local 854 Health and Welfare Fund*
Docket No.: 21-cv-10471

Dear Judge Liman:

We represent Plaintiffs Empire State Bus Corp., Allied Transit Corp. and Empire Charter Service, Inc. (“Employer”) in the above-referenced action. We write jointly with Defendant Teamsters Local 854 Health and Welfare Fund (“Fund”) to request a stay of discovery deadlines for case management reasons.

As the Court is aware, this action is currently in discovery. Initial disclosures have been made, and documents and interrogatory responses have been exchanged. Substantial discovery was completed since the last status report was submitted to you on April 22, 2022. The chief remaining discovery to be completed is a limited number of depositions, and the current deadline for completing depositions is July 24, 2022. The current deadline to complete all discovery is September 13, 2022.

In the meantime, the parties have briefed Plaintiffs’ summary judgment motion, which was fully submitted on May 9, 2022.

The parties met and conferred by telephone on May 27, 2022 on case management issues, and again by email on June 21, 2022. Critically, the parties agree that the Court’s decision on the pending summary judgment motion will either dispose of the case by rendering judgment, or narrow the remaining issues to a degree that significantly limits any remaining discovery.

As a result, additional discovery and litigation are not warranted at this time, particularly given the relatively low damages of approximately \$250,000, an amount that could easily be spent in litigating the case through discovery and pretrial procedures that are unlikely to affect the case outcome.

Hon. Lewis J. Liman, U.S.D.J.
June 23, 2022
Page 2

The parties therefore jointly ask the Court to stay remaining discovery deadlines in this action until 60 days after the Court's resolution of the pending summary judgment motion. This brief period should be sufficient, if required, to dispose of any remaining discovery.

Defendant made one previous request for an adjournment of discovery deadlines, to which Plaintiffs consented, and which was granted by Your Honor in an Order dated April 22, 2022. The parties' next scheduled appearance before this Court is the current date for a post-discovery status conference on September 20, 2022.

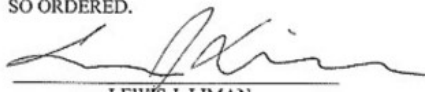
Respectfully submitted,

/s Jennifer S. Smith

Jennifer S. Smith

The request is GRANTED, and the discovery deadlines in this matter are STAYED pending a decision on the motion for summary judgment. After the Court renders a decision on that motion, and if the case survives summary judgment, the parties shall submit a proposed schedule with revised discovery deadlines and the Court will schedule a post-discovery status conference. The post-discovery status conference currently scheduled for September 20, 2022 is adjourned *sine die*.

SO ORDERED.



LEWIS J. LIMAN
United States District Judge

6/24/2022